

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**ROGER PICKLER and
MARILYNN PICKLER,**

Plaintiffs,

v.

No. 2:09-cv-02490-cgc

TASTY BUFFET, INC.,

Defendant.

ORDER DENYING MOTIONS TO AMEND SCHEDULING ORDER

Before this Court is Plaintiffs' Motions to Amend Scheduling Order (D.E. #25, #26) filed on June 9, 2010 pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. The instant motions request that the Court extend the discovery deadline of April 16, 2010 to allow Plaintiffs sufficient time to complete discovery. Specifically, Plaintiffs state that, "[d]espite diligent efforts, completion of discovery has been thwarted by unanticipated difficulty and delay in acquiring all pertinent medical records."

Under Rule 6(b), the Court may extend the time when an act may or must be done "on motion made *after the time has expired if the party failed to act because of excusable neglect.*" Fed. R. Civ. P. 6(b)(1)(B) (emphasis added). In the instant case, Plaintiffs did not file the Motions to Amend until nearly eight weeks after the discovery deadline expired. Further, Plaintiffs have provided no explanation to the Court for its failure to request any extension before the expiration of the deadlines and no basis for the Court to find excusable neglect. Accordingly, Plaintiffs Motions to Amend Scheduling Order (D.E. #25, #26) shall be DENIED.

IT IS SO ORDERED this 22nd day of June, 2010.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE